IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

BOBBY ALLEN PARIS	§	
v.	§	CIVIL ACTION NO. 6:09cv452
RAY NUTT	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ENTERING FINAL JUDGMENT

The Plaintiff Bobby Paris, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On November 6, 2009, Paris filed a motion asking that his lawsuit be dismissed. On November 10, 2009, the Magistrate Judge issued a Report recommending that the motion be granted and that the lawsuit be dismissed without prejudice. Paris did not file objections to this motion, but instead filed another motion asking that his lawsuit be dismissed. Because Paris did not file objections to the Magistrate Judge's Report, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. <u>Douglass v. United Services Automobile Association</u>, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge.

Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil rights lawsuit be and hereby is DISMISSED without prejudice on the motion of the Plaintiff. It is further

ORDERED that a copy of the Plaintiff's grievance, attached to his original complaint, be sent to him by the Clerk along with a copy of this Memorandum Opinion. Finally, it is

ORDERED that any and all other motions which may be pending in this action are hereby DENIED.

SIGNED this 1st day of December, 2009.

MICHAEL H. SCHNEIDER

UNITED STATES DISTRICT JUDGE

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